

REMARKS

The Office Action dated September 19, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1, 10, 11, and 15 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. No new matter is believed to have been added. Support for the above amendments is provided in the Specification on at least pages 15 and 16. Accordingly, claims 1-11 and 15 are currently pending in the application.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Applicants respectfully thank the Examiner for conducting the interview at the U.S. Patent and Trademark Office on January 14, 2009. The following comments are based on the interview.

Claims 1-11 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. (JP No. 2001-322148). In particular, the Office Action asserted that Suzuki et al. discloses all of the elements of claims 1-11 and 15. However, this rejection is respectfully traversed as follows.

Claim 1, upon which claims 2-9 are dependent, recites a mold for molding. The mold includes a mirror-surface disc. The mold includes a stamper having a hole formed at its center, and attached to a front end surface of said mirror-surface disc. The mold also include an inner holder configured to hold said stamper. The inner holder is further configured to be press fitted into said hole. During said press fit, at least either said stamper or said inner holder is subjected to stress in excess of its yield point and plastically deformed.

Claim 10 recites a mold for molding. The mold includes a first mold assembly and a second mold assembly disposed in such a manner as to be able to advance toward and retreat from said first mold assembly. The mold includes an insert disposed in at least either said first or second mold assembly. The mold also includes an inner holder configured to dispose said insert. The inner holder is further configured to be press fitted into a hole. During said press fit, at least either said insert or said inner holder is subjected to stress in excess of its yield point and plastically deformed.

Claim 11 recites a molding machine. The molding machines includes a mold for molding. The mold includes a mirror-surface disc. The mold includes a stamper having a hole formed at its center, and attached to a front end surface of said mirror-surface disc. The mold also includes an inner holder configured to hold said stamper, said inner holder is further configured to be press fitted into said hole. During said press fit, at least either

said stamper or said inner holder is subjected to stress in excess of its yield point and plastically deformed.

Claim 15 recites a molding machine that includes a mold for molding. The mold includes a first mold assembly. The mold includes a second mold assembly disposed in such a manner as to be able to advance toward and retreat from said first mold assembly. The mold includes an insert disposed in at least either said first or second mold assembly. The mold also includes an inner holder configured to dispose said insert, said inner holder is further configured to be press fitted into a hole. During press fit, at least either said insert or said inner holder is subjected to stress in excess of its yield point and plastically deformed.

As will be discussed below, Applicants respectfully submit that Suzuki et al. fails to disclose, either expressly or inherently, all of the elements of the claims, and therefore fails to provide the features and advantages discussed above.

As discussed at the interview, Suzuki et al. generally discusses a technique to prevent the generation of defective lamination by the mutual interference of cut burrs when the two disk substrates are bounded. The Office Action, in relying upon elements 33, 32, and 41 of Suzuki et al, asserted that Suzuki et al. discloses an inner holder for holding said stamper by means of pres fit into the hole. See Office Action, page 5, lines 8-9. However, claim 1 has been amended to recite “an inner holder configured to hold said stamper, said inner holder is further configured to be press fitted into said hole”.

By at least the aforementioned feature of claim 1, because the inner holder is configured to be press-fitted into the hole, the inner holder is able to hold the stamper. As a result, the inner holder is able to hold the stamper in place without the need of a holding portion.

The Figures in Suzuki et al. cannot disclose, either expressly or inherently, the above-quoted feature of claim 1, because in order for the stamper 32 in Suzuki et al. to be held in place, the attaching portion 34 must be formed on the outer periphery edge of the inner stamper holder 33. As discussed and acknowledged by the Examiner, the attaching portion 34 is formed on the outer periphery edge of the inner stamper holder 33. In other words, at the Interview, the Examiner maintained that the inner stamper holder 33 includes the attaching portion 34.

Because the attaching portion 34 is formed on the outer periphery edge of the inner stamper holder 33, the inner stamper holder 33 cannot be “configured to press-fitted into [the] hole”. See Figure 3 of Application. Suzuki et al. clearly discusses that in order to attach the stamper 32 to the fixed side mirror block, the stamper 32 is forced on the fixed side mirror block by the attaching portion 34 formed in the periphery edge of the inner stamper holder 33. Therefore, it is readily apparent that the inner stamper holder 33 of Suzuki et al. is not “configured to be press-fitted into said hole” in order to hold the stamper, because the only structure being fitted in Suzuki et al. is the stamper of Suzuki et al.. In other words, Suzuki et al. discusses that a stamper is fitted into the fixed side

mirror block 18 and not the inner stamper holder 33 of Suzuki et al. The inner stamper holder 33 of Suzuki et al. and the fixed side mirror block 18 are merely screwed together. See Suzuki et al., last sentence of paragraph [0032].

Therefore, it is readily apparent that Suzuki et al. cannot disclose, either expressly or inherently, at least, “an inner holder configured to hold said stamper, said inner holder is further configured to be press fitted into said hole”, as recited in claim 1, and as similar recited in claims 10, 11, and 15.

Furthermore, the Office Action, in relying on paragraphs [0009] and [0032] of Suzuki, asserted that Suzuki “teaches that the internal circumferential edges of the stamper (32) is forced on the fixed side mirror block by the detaching portion (34) ... which inherently suggests that during the press fit, the inner holder is subjected to stress in excess of its yield point and plastically deformed” (see Office Action, Page 5, Lines 10-14). However, the assertion made by the Office Action that Suzuki inherently discloses the features recited in the claims is incorrect.

According to MPEP § 2112 (IV), the Office always bears the initial burden to develop reasons supporting a reliance on inherency. To satisfy this burden, the Office must identify some basis in fact or articulate some reasoning at least tending to show that allegedly inherent subject matter necessarily (i.e., inevitably) flows from cited art. Indeed, the MPEP expressly instructs that:

[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the

determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Further, since a basis in fact and technical reasoning is required when inherency is invoked, a failure to provide such evidence or rationale is fatal to the reliance on this doctrine. This is only logical since evidence “must make clear” that the allegedly inherent subject matter is necessarily present in (i.e., necessarily flows from) the disclosure of cited art

(MPEP 2112). A review of page 5 of the Office Action reveals the absence of the required rationale or evidence at least tending to show that the feature of “during said press fit, … said stamper or said inner holder is subjected to stress in excess of its yield point and plastically deformed”, as recited in claim 1, and as similarly recited in claims 10 and 15 inevitably flows from the disclosures of Suzuki. The Office Action merely asserts that because Suzuki describes that the internal circumferential edges are forced on the fixed side mirror block and that such a description suffices to inherently suggest that during the press fit, the inner holder is subjected to stress in excess of its yield point and plastically deformed (see Office Action, Page 5, Lines 13-14).

Moreover, paragraphs [0009] and [0032] of Suzuki describes that in order to attached the stamper 32 to the fixed side mirror block 18, the inner stamper holder 33 is fixed to the side mirror block 18 and the internal circumference edge of the stamper is forced on the fixed side mirror block 18 by attaching part 34 formed in the periphery edge of this inner stamper 33. However, nothing in paragraphs [0009] or [0032] of Suzuki remotely suggests that “during said press fit, at least either said stamper or said inner holder is subjected to stress in excess of its yield point and plastically deformed”, as

recited in claim 1, and as similarly recited in claims 10 and 15, necessarily (i.e. inevitably) flow from paragraphs [0009] or [0032] of Suzuki.

As such, a mere conclusory statement cannot reasonably be said to be a development of any reason supporting the Office's reliance on inherency. Consequently, the Office Action's reliance on inherency is unsupported and, thus, improper (emphasis added). In sum, the Office Action concedes implicitly that the Suzuki does not teach the feature, for example, of claim 1 "during said press fit, at least either said stamper or said inner holder is subjected to stress in excess of its yield point and plastically deformed" and any reliance on the doctrine of inherency to provide this necessary teaching is improper.

Accordingly, Applicants respectfully request that the rejection of claims 1, 10, 11, and 15 be withdrawn and these claims be allowed for at least the reasons presented above. Applicants also respectfully request that the rejection of the dependent claims be withdrawn for at least the same reason as base claim 1, from which they depend upon, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that none of the references, whether considered alone or in combination, disclose, either expressly or implicitly, all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unobvious. It is therefore respectfully requested that all of claim 1-11 and 15 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
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